



INTERIOR BOARD OF INDIAN APPEALS

Estate of Virginia Mae Seewalker

57 IBIA 308 (08/27/2013)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
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ARLINGTON, VA 22203

ESTATE OF VIRGINIA MAE)	Order Docketing and Dismissing
SEEWALKER)	Appeal
)	
)	Docket No. IBIA 13-106
)	
)	August 27, 2013

Renetta SeeWalker (Appellant) appealed to the Board of Indian Appeals (Board) from a Modification Order to Include Omitted Property (Modification Order) entered on May 20, 2013, by Administrative Law Judge (ALJ) R. S. Chester in the estate of Virginia Mae Seewalker (Decedent).¹ On receipt of the appeal, the Board ordered Appellant to complete service of her appeal on the interested parties, as required by 43 C.F.R. §§ 4.310(b) and 4.323, and to notify the Board that she had done so. In addition, because it appeared that Appellant’s notice of appeal sought to raise an issue that was outside the scope of an appeal from the Modification Order, the Board ordered Appellant to show cause (i.e., explain) why her appeal should not be dismissed.²

The Board set a deadline of July 25, 2013, for Appellant to comply with the Board’s order, and advised Appellant that if she failed to comply with or respond to the Board’s order, her appeal might be dismissed without further notice.

The U.S. Postal Service’s Track-and-Confirm service on its website indicates that Appellant received the Board’s order on July 1, 2013.

The Board has received no response from Appellant.

¹ Decedent was a Standing Rock Sioux. Her probate is assigned Probate No. P000088279IP in the Department of the Interior’s probate tracking system, ProTrac.

² The Modification Order added trust interests on the Standing Rock Indian Reservation in North Dakota and South Dakota to Decedent’s estate inventory for probate, and ordered that these interests be distributed to Decedent’s devisee, Cheryl Oster, pursuant to the July 18, 2012, Decision issued in Decedent’s estate, which approved Decedent’s will. Appellant’s notice of appeal questioned the validity of Decedent’s will, which was not a matter that was reopened or revisited by the Modification Order.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Board docketed but dismisses this appeal for failure to prosecute.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

//original signed
Thomas A. Blaser
Administrative Judge